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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-11-00120-LHK
	)	
12 Plaintiff,	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>HEARING TO NOVEMBER 30, 2011 at</b>
13 vs.	)	<b>10:00 a.m., and [<del>PROPOSED</del>] ORDER</b>
	)	
14 JULIAN CHAVEZ,	)	
	)	
15 Defendant.	)	
	)	

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16  
17 **STIPULATION**

18 The parties, Julian Chavez and the government, acting through their respective counsel and  
19 subject to the Court's approval, stipulate that the hearing date currently set for November 9,  
20 2011, be vacated and that the Court set a new hearing date on November 30, 2011, at 10:00 a.m.

21 Counsel for Mr. Chavez will be in trial on November 9, 2011, before the Honorable  
22 Ronald M. Whyte. The request for the continuance is also based on the parties ongoing  
23 investigation and discussions which lead them to believe that the case will be resolved without  
24 the need to hear the motion to dismiss, or for a trial. The continuance will enable the parties  
25 sufficient time to resolve the case without trial.

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1 The parties further agree and stipulate for purposes of Speedy Trial Act computations  
2 pursuant to Title 18, United States Code, Sections 18 U.S.C. §3161(h)(7)(A) and (B)(iv) that  
3 time should be excluded from November 9, 2011 through and including November 30, 2011, to  
4 provide continuity of counsel and to provide defense counsel further time to prepare.  
5 Accordingly, Mr. Chavez and the government agree that granting the requested exclusion of time  
6 will serve the interest of justice and outweigh the interest of the public and the defendant in a  
7 speedy trial.

8 Dated: November 4, 2011

9 /s/  
10 Manuel U. Araujo,  
Assistant Federal Public Defender

11 Dated: November 4, 2011

12 /s/  
Ann Marie Ursini,  
13 Special Assistant United States Attorney  
14

15 **[PROPOSED] ORDER**

16 WHEREFORE, based on the above, the COURT HEREBY ORDERS that the hearing  
17 currently scheduled on November 9, 2011, is continued to November 30, 2011, at 10:00 a.m.,  
18 and further ordered that the period of delay from time from November 9, 2011, through and  
19 including November 30, 2011, is excluded for purposes of Title 18, United States Code,  
20 Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

21 SO ORDERED.

22 Dated: November 4, 2011

23 Lucy H. Koh  
24 HONORABLE, LUCY H. KOH,  
United States District Judge  
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